

# **Exhibit B**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
(EASTERN DIVISION-BOSTON)

\*\*\*\*\* )  
KIRA WAHLSTROM, )  
Plaintiff, )  
 )  
-against- ) Civil No.  
 ) 1:22-cv-10792-RGS  
DAVID J. HOEY, LAW OFFICES )  
OF DAVID J. HOEY, P.C., )  
DON C. KEENAN, D.C., )  
KEENAN & ASSOCIATES, P.C., )  
D/B/A THE KEENAN LAW FIRM, )  
P.C., AND KEENAN'S KIDS )  
FOUNDATION, INC., )  
Defendants. )  
\*\*\*\*\*

DEPOSITION OF DAVID J. HOEY, a  
witness called on behalf of the Plaintiff, taken  
pursuant to the provisions of the Federal Rules  
of Civil Procedure, before Kathleen M. McHugh, a  
Registered Professional/Certified Shorthand  
Reporter (#120093) and Notary Public in and for  
the Commonwealth of Massachusetts, at the  
offices of Wilson Elser Moskowitz Edelman &  
Dicker, LLP, 260 Franklin Street, Boston,  
Massachusetts, on Monday, February 20, 2023,  
commencing at 9:58 a.m.

COPLEY COURT REPORTING  
71 Commercial Street  
Boston, Massachusetts 02109  
(617) 423-5841

1 infringement?

2 A. That's correct.

3 Q. Did you explain this any further than  
4 that to her?

5 A. I did.

6 Q. And what did you explain to her?

7 A. That this was during the trial and  
8 during the motion for new trial the defense was  
9 trying to put a wedge between Kira and Don and  
10 Don and the court by attaching a lot of Mr.  
11 Keenan's book and trial blog articles and we  
12 felt it was necessary and in her best interest  
13 at that time to fight it and she agreed.  
14 Everything was fight, fight, fight, and so  
15 that's what we did. She understood it at the  
16 time; had a few choice words as usual.

17 Q. To your knowledge had Kira met  
18 Mr. Goren as of this time in March, 2020?

19 A. No. She did not meet Mr. Goren, I  
20 don't think at all, but I do have a recollection  
21 that Kira came to one of those post-trial  
22 hearings where he may have been present.

23 Q. Okay. All right. On this one then  
24 we have James Bolan on there for \$8,432.39?

1           A.       I see that.

2           Q.       And this indicates, "This was ethics  
3       counsel who consulted regarding Wilson, Sobczak,  
4       the appeal and other areas," right?

5           A.       Correct, that's correct.

6           Q.       Did you tell Kira as of this time  
7       that Mr. Bolan was also your personal attorney?

8           A.       She knew that.

9           Q.       She did. Before this?

10          A.       She did.

11          Q.       Okay. And to your knowledge had she  
12       met Mr. Bolan as of March, 2020?

13          A.       As of March, 2020, no. She might  
14       have met him at one of the court hearings later.

15          Q.       Okay. And to your knowledge was any  
16       fee agreement executed between Kira and Mr.  
17       Bolan?

18          A.       No.

19          Q.       And going back to the other ones to  
20       your knowledge, was any fee agreement executed  
21       between Kira and Mr. Goren?

22          A.       Not that I'm aware of, no.

23          Q.       When you engaged Mr. Goren's, Richard  
24       Goren's, services, did you get Kira's approval



1           A.       No.

2           Q.       All right. And I can understand some  
3 of them, you wouldn't call her to photocopy  
4 something, right, because you've got photocopies  
5 on here, but -- although you have almost \$10,000  
6 in photocopies. Oh, for example, if you go and  
7 take an Uber, you didn't call her and say, Kira,  
8 is it okay I take an Uber. I get that. So I  
9 was being very specific.

10                   Richard Goren, did you get Kira's  
11 agreement to pay his legal fees prior to  
12 incurring them?

13           A.       I don't think so.

14           Q.       And James Bolan, did you get Kira's  
15 agreement to pay his legal fees prior to  
16 incurring them?

17           A.       Yes and no. So you'll see  
18 correspondence in the discovery where I'm  
19 telling her that Amy, Patty, myself and Mr.  
20 Bolan are working collectively as a team to do  
21 X, Y, Z.

22           Q.       And does -- I'll see that in the  
23 e-mails?

24           A.       You will.

1 (Affidavit of James S.  
2 Bolan, Esquire, dated 7/22/20, was marked  
3 Exhibit No. 48 for identification.)

4 Q. Now, Exhibit 48, do you recognize  
5 this as an affidavit of James Bolan, Esquire,  
6 that was filed in support of a motion for costs  
7 and fees on behalf of Kira Wahlstrom against  
8 Mr. Sobczak?

9 A. That's right.

10 Q. And Paragraph 3 says, "I was  
11 consulted on behalf of the Law Offices of  
12 David J. Hoey, P.C., and David J. Hoey for the  
13 benefit of Ms. Kira Wahlstrom due to Mr.  
14 Sobczak's allegations relating to certain  
15 conduct by my client, David Hoey, who represents  
16 Kira Wahlstrom."

17 A. That's correct.

18 Q. What -- can you tell me your  
19 understanding of what allegations relating to  
20 your conduct he, Mr. Bolan, is referencing  
21 there?

22 A. To the best of my recollection,  
23 Mr. Sobczak in this lien fight was breaching the  
24 attorney-client privileged information that

1 related to Kira and adding things into his  
2 affidavits and attaching things to his papers  
3 that were about me, about Kira, about Patty,  
4 about the court, anybody and everybody that he  
5 can find something wrong about.

6 Q. Okay. But this is specifically  
7 saying allegations relating to certain conduct  
8 by my client, David Hoey?

9 A. Right.

10 Q. And I want to know what -- if you  
11 have a memory or knowledge of what specific  
12 conduct this is referencing as it pertains to  
13 you?

14 A. Yes. It's in his affidavits and in  
15 his motion papers related to my representation  
16 of Kira.

17 Q. And then this indicates that  
18 Mr. Bolan's office billed his legal services to  
19 you and then you were reimbursed by Kira; is  
20 that accurate?

21 A. I'd have to match, but I think so.

22 Q. And it has his billings attached?

23 A. Yeah. The redactions would be  
24 unrelated things.